

**The Department of Community Planning & Development**  
**City Hall, Lynchburg, VA 24504** **434-455-3900**

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**To:** Planning Commission

**From:** Planning Division

**Date:** April 27, 2005

**Re:** **ZONING ORDINANCE AMENDMENT – Section 35.1-22, Buildings, Uses & Lots, (j) County Boundary Lines**

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**I. PETITIONER**

The City of Lynchburg, Planning Commission, 900 Church Street, Lynchburg, VA 24504

**Representative:** Mr. Tom Martin, AICP, City Planner, Planning Division, 900 Church Street, Lynchburg, VA 24504

**II. LOCATION**

The proposed amendment would have the potential to affect all properties bordering Bedford & Campbell Counties.

**Property Owners:** N/A

**III. PURPOSE**

The purpose of the Zoning Ordinance amendment is to remove the prohibition of buildings crossing the City/County Boundary Line.

**IV. SUMMARY**

- The proposed Zoning Ordinance amendment would remove the prohibition of buildings crossing the City/County Boundary Line.
- The proposed Zoning Ordinance amendment would promote regionalism and provide property owners with greater flexibility in developing their property.
- The proposed Zoning Ordinance amendment would require coordination between City and County staff and the development of “policy” for services such as permitting, inspections, Zoning, taxation and emergency response.
- The *Comprehensive Plan 2002 – 2020* is supportive of the proposed Zoning Ordinance amendment.

**The Planning Division recommends approval of the Zoning Ordinance Amendment.**

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends promoting regional cooperation in issues related to land use, growth and development. Land use decisions and planning in the surrounding counties have and will continue to have an impact on how the City approaches, land use, transportation, utility extensions and environmental management. **(5.7, *Regional Land Use Issues*)**
2. **Zoning.** The language prohibiting buildings crossing the City/County boundary line was established with the adoption of the Zoning Ordinance on December 12, 1978.
3. **Impact.** At the request of the Planning Commission, the Planning Division has researched and prepared Zoning Ordinance amendments that would remove the prohibition of buildings crossing the City/County Boundary Line.

The areas of the City that would be affected are those that border Bedford & Campbell Counties. The border between the City and Amherst County is not relevant since the two localities are divided by the James River.

Planning Division staff has discussed the proposed amendments with representatives from offices of the City's Building Inspections, Fire Marshal, Emergency Communications, Commissioner of the Revenue and the City Assessor. A meeting was also conducted with representatives from Bedford & Campbell Counties on April 12, 2005.

Based upon the issues identified the Planning Division proposes that the City of Lynchburg develop the following "policy" with Bedford & Campbell Counties:

1. The locality where the greatest percentage of the building is located will have jurisdiction over the following:
  - Building Permits and Inspections
  - Zoning (Building Only)
2. Emergency response will be provided by the jurisdiction in which the driveway is located.
3. Real Estate taxes will be based upon the proportion of the building located in the City.

The only issue that is not easily addressed is how to deal with business taxes and machine and tool taxes. The City of Lynchburg and Campbell County use a "business license" tax based upon gross receipts. These taxes can be easily divided by using the proportion of the building located in each locality. However, Bedford County uses a "merchant capital" tax based upon inventory at the beginning of each year. The Commissioner of the Revenue will need to coordinate this issue with Bedford County.

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#### **VI. PLANNING DIVISION RECOMMEND MOTION:**

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of amending Section 35.1-22, Buildings, Uses and Lots by deleting paragraph (j) to remove the prohibition of buildings crossing the City/County Boundary Line.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. R. Douglas Dejarnette, Fire Marshal  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner

Mr. Keith Wright, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. Kent White, Senior Planner  
Ms. Erin Bryant, Environmental Planner  
Mr. Mitch Nuckles, Commissioner of the Revenue

## **VII. ATTACHMENTS**

1. Proposed Zoning Ordinance Amendment

**Sec. 35.1-22. Buildings, uses and lots.**

(a) Building lot required. Every building or structure hereafter erected shall be located on a lot as herein defined. Where more than one (1) building is erected on a single lot, open spaces or courts shall be provided between buildings as provided herein.

(b) Street frontage required. No permit shall be issued for any land use or structure unless the lot on which such land use is to be established or such structure is to be built has frontage providing access on at least one (1) dedicated, improved street extending across the entire front of the lot where right-of-way extends on the property line with at least twenty (20) feet of pavement with fifty (50) feet of right-of-way, or unless the lot is an existing lot of record on 9/12/89 and has a perpetual unobstructed easement of access at least thirty (30) feet wide to such a street to serve one (1) single-family dwelling or duplex residence. This requirement may be waived by the city council in the case of planned unit developments, cluster commercial developments, traditional neighborhood developments, and townhouse lots for sale complexes where adequate public and private access is provided to such land use or structure.

(c) Reduced street frontage requirements. A permit may be issued for a land use or structure on a lot with less than the required street frontage if:

(1) The lot fronts on a cul-de-sac, in which case the minimum street frontage shall be thirty (30) feet; or

(2) The lot is a flag lot meeting the requirements of Section 24.1-28.1 Flat lots.

(d) Yard and open space. No yard or open space required or provided about any building on one (1) lot for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for a building on any other lot.

Where more than one (1) building is erected on a lot, an open space or court shall be provided between the buildings. Such open space shall be equal in width to twice the width of a side yard required for the district in which the buildings are located. No dwelling, however, shall be erected in the rear of another building on the same interior lot.

(e) Reduction or subdivision of lots. No lot shall be subdivided or reduced in area in such a way that existing lots or structures are brought into nonconformance with the regulations of this ordinance.

(f) Lots under water or within the one hundred (100) year floodplains. No more than ten percent (10%) of the minimum area requirements of a lot, or the area used to calculate floor area ratios or permitted number of dwelling units, may be fulfilled by land which is under water, in marshland or in the one hundred (100) year floodplain as determined by the department of public works, City of Lynchburg.

(g) New buildings on lots less than the required minimum area. A permit may be issued for the erection of a building for a permitted use on a lot existing before the adoption of this ordinance, notwithstanding that the area or dimensions of such lot are less than that required for the district in which such lot lies, providing:

(1) That no use other than a single-family dwelling will be permitted;

(2) That all yard setbacks and other requirements which are in effect at the time of the obtaining of the building permit are complied with; and

(3) That the owner of such a lot did not own other lots contiguous thereto at the time of the adoption of this ordinance. If the latter is the case, such lot, or so much thereof as may be necessary, shall be combined with the first named lot to make one (1) or more conforming lots, whereupon a permit may be issued, but only for such combined lots. Where the required area of dimensions of lots are changed by an amendment of this zoning ordinance, any legal lot existing at that date, and made nonconforming by such amendment, may be built upon within the limits of the two (2) conditions mentioned above in this paragraph.

(h) Parts of lot not counted toward area requirements. For any lot created by subdivision subsequent to adoption of this ordinance, no part of that lot less in width than one-third (1/3rd) the minimum requirement for the district in which it is located shall be counted as part of the required minimum lot area.

(i) Minimum dwelling unit size. See city "housing standards ordinance" of the city code.

~~(j) County boundary lines. In no case will a permit be issued to build a structure which would be split by a county boundary line.~~ (Ord. No. O-78-352, 12-12-78; Ord. No. O-89-248, § 1, 9-12-89; Ord. No. O-98-013, 2-10-98)